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Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. I am here to testify in support of SB 237 AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC and SB 236, AN ACT CONCERNING UNINSURED MOTORIST COVERAGE FOR BODILY INJURY TO A NAMED INSURED OR RELATIVE DURING THE THEFT OF A MOTOR VEHICLE.

SB 237 would allow a person to bring a cause of action against a peace officer who interferes with the person taking a photographic or digital still or video image of the peace officer or another peace officer acting in the performance of his or her duties provided that the individual was not otherwise interfering with the officer in the performance of duty. There have been numerous incidents throughout the nation in which citizens have been harassed, threatened and arrested for recording what would

seem to be public action by police officers. In some of these states, due to laws that are behind current technology, this action is in fact against the law. However, in the last year two Federal appellate courts[1] have reaffirmed citizens' rights to record police officers and the U.S. Supreme court has declined to accept either of these cases thus intentionally allowing these decisions (which affirm the right to record) to stand[2].

It is difficult to understand how a police officer has any expectation of privacy in his or her public duties and in the 111th Congress, Congressman Townes submitted a resolution expressing that state and federal wiretapping laws were never intended to be used against citizens in this manner[3]. In Connecticut, citizens have a right to record police officers in these settings. However, there have been recent incidents in which officers harassed and threatened citizens who were attempting to exercise this right. I believe that creating a possible cause of action against officers who attempt to intimidate citizens in this manner would serve as a deterrent to this behavior. Officers who are following appropriate law and procedure should not object to this recording so long as the recording does not interfere with the officer's ability to perform his or her legitimate duties.

SB 236 addresses a quirk in Connecticut's insurance laws that can create an unintended conundrum for the few affected by it. This involves a situation in which a

[1] http://en.wikipedia.org/wiki/Glik_v._Cunniffe
http://aclum.org/sites/all/files/legal/glik_v_cunniffe/appeals_court_ruling.pdf

[2] Alvarez v. Connell et al, U.S. Supreme Court, No. 12-318

[3] H. Con. Res. 298

person is hit by his or her own car that has been taken without the owner's permission. When a car is taken without the owner's permission, it is declared uninsured. This is meant to protect the vehicle owner. Connecticut statutes also prevent the owner from filing an uninsured motorist claim on his or her own vehicle; this is to encourage vehicle owners to insure their vehicles. However, if these two statutes operate together, when a vehicle owner is injured by his or her own vehicle that has been taken without permission there is no way to make a claim. This was not the intent of the legislature when it passed these two provisions; there was not an intent to have the two provisions work together in such a way as to deny recovery to a person who is hit by his or her own vehicle that has been stolen. I am aware of two cases with a similar fact pattern; two judges made opposite decisions as to recovery. In Peirolo v. American National Fire Insurance Company, CV 9455936s (1997), Judge Rittenband held that the named insured could in fact collect under the uninsured motorist policy. He correctly noted that this situation was not in the mind of the legislature in passing that legislation. However, in Maynard v. Geico General Insurance Company, CV06 5004144s (2009), Judge Corradino held that the plaintiff could not recover due to the statutory language. I am hopeful that SB 236 will clarify legislative intent on this issue.